IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 11TH MAY 2007 / 21ST VAISAKHA 1929

WP(C).No. 14836 of 2007(N)

PETITIONER:

SUNITHA KURIAN THOMAS,
PROPRIETRIX, M/S.PURE PACKAGED DRINKING WATER,
VALLUR ROAD, POONITHURA,
ERNAKULAM DISTRICT.

BY ADV. SRI.V.P.SUKUMAR

RESPONDENTS:
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1. THE SALES TAX OFFICER,
1ST CIRCLE, THRIPPUNITHURA.

2. THE DEPUTY COMMISSIONER (APPEALS)
COMMERCIAL TAXES, ERNAKULAM.

3. THE INSPECTING ASSISTANT COMMISSIONER,
COMMERCIAL TAXES, ERNAKULAM.

BY SPECIAL GOVERNMENT PLEADER (TAXES) MR.GOVINDAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 14836 OF 2007
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Dated this the 11th day of May, 2007

J U D G M E N T

Petitioner is a registered dealer under the Kerala General Sales Tax Act. Aggrieved by Ext.P1 order of assessment, the petitioner filed Ext.P2 appeal and Ext.P3 stay petition. It is the complaint of the petitioner that during the pendency of the appeal and the stay petition, revenue recovery proceedings evidenced by Ext.P4 has been initiated for the recovery of the tax due under Ext.P1. In the above circumstances, this writ petition has been filed, seeking inter alia, a direction to the respondents to pass orders in the appeal, keeping in abeyance the revenue recovery proceedings.

Accordingly this writ petition will stand disposed of directing the 2nd respondent to consider and pass orders on Ext.P3 stay petition with notice to the petitioner within a period of six weeks. It is further directed that, in the meanwhile Ext.P4 revenue recovery proceedings initiated against the petitioner shall be kept in abeyance.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp